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INC., PHILIP MORRIS USA INC., ALTRIA  
CLIENT SERVICES LLC, ALTRIA GROUP  
DISTRIBUTION COMPANY, AND  
ALTRIA ENTERPRISES LLC

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**IN RE: JUUL LABS, INC., MARKETING  
SALES PRACTICE AND PRODUCTS  
LIABILITY LITIGATION**

3:19-md-02913 (WHO)

Hon. William H. Orrick

*This Document Relates to All Plaintiffs  
Identified in Exhibit A*

**SUPPLEMENTAL NOTICE PROVIDING RESPONSE TO ORDER REGARDING  
CLAIMS RIPE FOR DISMISSAL AGAINST ALTRIA, DKT. 4342**

Defendants Altria Group, Inc.; Philip Morris USA, Inc.; Altria Client Services LLC; Altria Group Distribution Company; and Altria Enterprises LLC (collectively, “Altria”) respectfully submit this response to the Court’s December 9, 2024 Order Regarding Claims Ripe For Dismissal Against Altria, Dkt. 4342 (the “Order”).

As explained in the accompanying declaration of Morgan M. Meador from BrownGreer, the Personal Injury Settlement Administrator for the Altria personal injury settlement (“Settlement Administrator”), the Settlement Administrator used as its starting point (a) information provided by

1 Plaintiffs' Leadership, working with Altria's counsel, regarding the cases filed against Altria, and  
2 (b) information already available to the Personal Injury Settlement Administrator from its  
3 administration of the JLI personal injury settlement. *See* Declaration of Morgan M. Meador at ¶¶ 4-  
4 7 ("Meador Decl."), attached as Exhibit B. If a plaintiff participated in the JLI Personal Injury  
5 Settlement but did not appear in the list of cases naming Altria as a defendant, the Settlement  
6 Administrator did not verify that plaintiff as having sued Altria. In addition, if there were  
7 discrepancies between the list the cases brought against Altria and the information in the Settlement  
8 Administrator's records, the Settlement Administrator did not verify that plaintiff as having sued  
9 Altria. Of the twelve cases subject to this Court's December 9, 2024 Order, three participated in the  
10 JLI Personal Injury Settlement but did not appear in the list of cases naming Altria as a defendant,  
11 and the remaining nine had discrepancies between the information provided in the list of cases and  
12 the information in the Settlement Administrator's records. *Id.* at ¶¶ 9-14.

13       Once the Settlement Administrator identified these twelve cases, it contacted the plaintiffs'  
14 counsel representing the twelve plaintiffs between October 12-13, 2023 and provided (1) a list of  
15 plaintiffs confirmed to have named Altria as a defendant, and (2) a list of plaintiffs who had not been  
16 verified as naming Altria as a defendant. Meador Decl. at ¶ 15-19. For the plaintiffs on the second  
17 list, the Settlement Administrator set a deadline of October 31, 2023 for plaintiffs' counsel to provide  
18 proof that their clients had, in fact, sued Altria. *Id.* at ¶ 20. Two of the firms representing plaintiffs  
19 responded to the Settlement Administrator, and their responses provided information showing that  
20 the two clients they represented subject to the Order were not suing Altria. *Id.* at ¶ 21-22.

21       The Pulaski Law Firm, which represents the remaining ten ineligible cases identified in the  
22 Order, did not respond to the Settlement Administrator's October outreach. Meador Decl. at ¶¶ 19-  
23 20, 23. The Settlement Administrator contacted the Pulaski Law Firm for a second time, on  
24 November 1, 2023, and against received no response. *Id.* at ¶ 24. Finally, the Settlement  
25 Administrator issued an Altria Notice of Ineligibility to the Pulaski Law Firm on December 21, 2023,  
26 identifying each of the claimants without verified claims against Altria. *Id.* at ¶ 25. The Settlement  
27 Administrator advised that the Pulaski Law Firm had a 10-day deadline to seek reconsideration and  
28 provide proof their cases named Altria as a defendant or those claimants would be ineligible to

1 participate in the Altria settlement. *Id.* The Settlement Administrator did not receive any response  
2 to these notices. *Id.* at ¶ 26.

3 On January 4, 2024, the Settlement Administrator determined that these twelve cases were  
4 ineligible. Meador Decl. at ¶ 28.

5 \* \* \*

6 Altria respectfully submits that, in light of the Settlement Administrator's efforts to contact  
7 the twelve plaintiffs through their counsel, each of the twelve cases identified in the Order should be  
8 dismissed with prejudiced.

9 *First*, counsel for Arman Rodriguez, 3:19-cv-06902, confirmed that it was not filing a claim  
10 against Altria. *See* Meador Decl. at ¶ 22.

11 *Second*, counsel for Allene White obo E.W., 3:21-cv-04180, identified for the Settlement  
12 Administrator the twenty-six cases for which it was bringing claims against Altria, and Allene White's  
13 case was not among them. *See* Meador Decl. at ¶ 21.

14 *Third*, with respect to the remaining ten cases, the Settlement Administrator provided  
15 plaintiffs' counsel with three separate opportunities to demonstrate that any of those ten cases  
16 involved claims against Altria. Plaintiffs' counsel never responded. In this regard, the Settlement  
17 Administrator provided notice and an opportunity for reconsideration comparable to the process used  
18 for identifying non-communicating plaintiffs, including a 10-day period for seeking reconsideration.  
19 *See* Meador Decl. at ¶ 27; Order Granting Altria's Motion to Dismiss With Prejudice Non-  
20 Communicating Plaintiffs' Claims, Dkt. 4274.

21 Altria also notes the plaintiffs in these ten cases had the opportunity to opt-out of the personal  
22 injury settlement had they been interested in doing so. The Court ordered any plaintiff choosing to  
23 opt out to do so by January 2, 2024. Case Management Order No. 18 ("CMO 18") at Sec. VII, Dkt.  
24 4111. None of these plaintiff did so, nor have they complied with any deadlines or discovery  
25 obligations set forth in Case Management Order No. 19 ("CMO 19") for plaintiffs litigating claims  
26 against Altria. CMO 19 at ¶¶ 35-37, Dkt. 4112. In CMO 19, the Court ordered that those additional  
27 deadlines and discovery obligations were to be "strictly adhered to" and that plaintiffs who failed to  
28 comply with those deadlines and obligations without cause could have their cases dismissed. *Id.* at

¶ 37. These ten plaintiffs did not meet the deadlines or satisfy the discovery obligations for opt-out plaintiffs under CMO 18 or 19, either.

Dated: December 19, 2024

ARNOLD & PORTER KAYE SCHOLER LLP

By: /s/ David E. Kouba  
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ENTERPRISES LLC

**CERTIFICATE OF SERVICE**

I, David E. Kouba, hereby certify that on the 19th of December, 2024, I caused to be electronically filed the foregoing **ALTRIA'S SUPPLEMENTAL NOTICE IN RESPONSE TO ORDER REGARDING CLAIMS RIPE FOR DISMISSAL AGAINST ALTRIA, DKT. 4342** with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notifications to all counsel of record.

By: /s/ David E. Kouba

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